

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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| In the Matter of |) | |
| |) | |
| Emergency Broadband Benefit Program |) | WC Docket No. 20-445 |
| |) | |

**PETITION FOR LIMITED WAIVER AND
REQUEST FOR EXPEDITED TREATMENT**

Section 1.3 of the Commission’s rules allows for a waiver of any provision of the rules upon petition if good cause is shown.¹ E. Ritter Communications Holdings, LLC has 6 subsidiaries participating in the Emergency Broadband Benefit (“EBB”) program across 2 states: Millington Telephone Company, LLC Millington CATV, LLC, E. Ritter Communications, LLC, E. Ritter Telephone Company, LLC, Ritter Cable Company, LLC and Tri-County Telephone Company LLC (collectively, “Ritter”). Ritter respectfully requests on an expedited basis that the Commission waive the requirement that Ritter claim the Emergency Broadband Benefit reimbursement within fifteen days of the snapshot date for the June 1st snapshot date and be given until July 15, 2021 to submit its first reimbursement claim. Ritter is only asking for a limited waiver for the first snap-shot date, as it believes it will be able to comply with the 15 day reimbursement period going forward beginning with the July 1, 2021 snapshot. This requested waiver will not interfere with USAC’s ability to keep track of the remaining funding in the program and will serve the public interest.

¹ 47 C.F.R. §1.3

In the Emergency Broadband Benefit Program Report and Order,² the FCC established the rules surrounding reimbursement of EBB program claims. The order explained that reimbursement claims would mirror the Lifeline program and utilize both the Lifeline Claims System and National Lifeline Accountability Database to determine reimbursement amounts.³ On the first day of each month during the program's duration, a snapshot will be taken of all subscribers currently enrolled for each provider. Providers will then have 15 days (or the following business day in the event the 15th day of the month falls on a weekend or a holiday) in which to review, revise, and certify the amount of reimbursement that each subscriber is entitled to. The processing of reimbursement claims is strictly restricted to this period, and reimbursement claims submitted after that deadline will not be processed. The claims process for the EBB program differs in 2 key respects from the operation of the Lifeline program. First of all, EBB providers only have 15 days in which to submit a certified snapshot, whereas Lifeline providers have a year from the snapshot date in which to submit a claim for a Lifeline customer. Secondly, EBB providers must individually calculate per subscriber the amount submitted for reimbursement, whereas Lifeline providers apply the same \$9.25 discount each month. To further complicate matters, according to the guidance found on USAC's website, when the billing cycle does not align with the calendar month, providers may only claim the discount actually associated with the service provided during the previous calendar month.⁴

Ritter is a small provider who operates mostly in rural Tennessee and Arkansas. Ritter applied for and received approval to offer 16 different standard rates across all of its subsidiaries

² WC Docket No. 20-445, *Emergency Broadband Benefit Program*, Report and Order (rel. Feb 26, 2021) ("EBB Program Order").

³ Id., ¶ 88.

⁴ See: <https://www.usac.org/about/emergency-broadband-benefit-program/system-resources/ebb-program-claims-proc/>

during the USAC Election Notice process. Despite the EBB Program Order only mandating that providers offer one EBB service offering to customers, Ritter elected to offer this program to the widest number of subscribers possible, to ensure equitable access to the discount across its footprint and to allow individuals the ability to choose the offering which best suited their needs.

Due to Ritter's small size and limited resources, despite best efforts being made to implement this program and internal processes ever since its announcement in February, Ritter has not been able to successfully employ an automated system by which to determine the exact reimbursement amounts for each customer participating in the program. Each customer that has been enrolled in the program by Ritter during the month of May will require a manual review by a small number of Ritter staff members to determine the correct pro-rated reimbursement amount for the first month's snapshot. Due to the volume of enrollments during the first month of the program, Ritter respectfully requests a waiver of the 15-day certification deadline only for the first month of the program i.e. a waiver allowing it to file its reimbursement claim for the June 1, 2021 snap-shot on July 15, 2021. If granted, Ritter would submit the certification of the snapshot for all May enrollees by the 2nd certification date—July 15th, 2021.

This request satisfies the FCC waiver standards. The Commission has the authority to waive its rules when: 1) special circumstances warrant a deviation from the general rule; and 2) such deviation will serve the public interest.⁵ Some factors that support the grant of a waiver include when equity dictates the rule should not be strictly applied and when implementation of the rule would cause undue hardship. The hardship Ritter faces in applying the proper amount of reimbursement in compliance with the EBB program rules across 15 different possible standard rates in 2 states in conjunction with Ritter's small staff size and limited resources warrants an

⁵ Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

exception to be made. While many large providers have access to significant resources and staff that can be dedicated to ensuring the proper reimbursement amounts, Ritter has only a small number of staff members and none that are feasibly able to dedicate the required amount of time to ensure the first snapshot certification is accurately submitted by the deadline on June 15th.

To make matters worse, Ritter is experiencing significant issues in successfully enrolling subscribers in NLAD. Approximately 50% of all enroll transactions are returning errors, and Ritter staff is having to continually re-submit information in a slightly modified format until the system recognizes the subscriber that is being enrolled. Ritter reached out to the USAC EBB Help email address immediately upon experiencing these issues to seek guidance on resolving these enroll issues with no response as of the date of this waiver request. Presumably this is because of the extremely large number of inquiries the help desk is receiving given the short timeline associated with the launch of this critical new program. This raises the concern that Ritter will not be able to complete the reimbursement process in a timely manner for all the customers that have signed up during this first month of reimbursement eligibility. Going forward Ritter is confident that these issues will be resolved, especially as the volume of new subscribers to the program decreases. The additional requested time period, only for the first month of reimbursement claims, will ensure that Ritter can accurately submit the reimbursement claims for all of its participating customers.

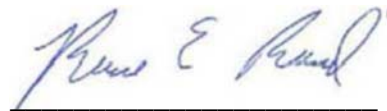
USAC's ability to track the funding available under the EBB program will not be materially affected by a granting of this waiver. This was the primary concern in implementing the 15-day certification time frame, as explained in the EBB Program Order. Since the waiver requested by Ritter is only for the first month of reimbursement claims, and USAC can still

determine the number of EBB subscribers enrolled via NLAD, the concerns for implementing the 15-day rule are alleviated.

In compliance with the second waiver factor of FCC rules, granting this waiver is in the best interest of the public. The FCC encouraged providers to make as many offerings as possible available to customers to ensure that those most in need of discounted broadband service would have access to the funding.⁶ Despite this goal, the FCC only required providers to make one service offering available to the public under the program. The grant of a limited waiver in these circumstances ensures that providers who sought to take the extra step and provide EBB service with as much customer choice and access as possible can receive accurate reimbursement under the program rules.

By granting this Petition on an expedited basis the Commission can ensure that Ritter is able to obtain full reimbursement under the program as Congress and the Commission intended. For reasons set forth above, Ritter requests the expedited grant of the waiver relief requested above.

Respectfully submitted,

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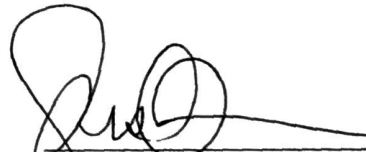
Bruce Beard
Cinnamon Mueller
1714 Deer Tracks Trail
Suite 230
St. Louis, MO 63131
Its Attorney

May 27, 2021

⁶ EBB Program Order, ¶ 37.

VERIFICATION

I, Susan Christian, state that I am Vice President of Marketing & Federal Advocacy for E. Ritter Communications Holdings, LLC; that I am authorized to make this Verification on behalf of E. Ritter Communications Holdings, LLC.; that I am familiar with the various Ritter subsidiary operating companies that are participating in the Emergency Broadband Program as providers, that I have read the foregoing Petition for Waiver and Request for Expedited Treatment and that the statements of fact are true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read 'Susan Christian', is written over a horizontal line.

Susan Christian
VP of Marketing & Federal Advocacy
Ritter Communications Holdings, LLC

May 27, 2021